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April 21, 2005

**Glenn T. Reynolds**  
Vice President -  
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**EX PARTE**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: IP-Enabled Services, WC Docket No. 04-36**

Dear Ms. Dortch:

As part of its advocacy in the proceeding identified above, Vonage Holdings Corp. ("Vonage") has filed in this docket recent letters to a number of local exchange carriers, including BellSouth, concerning options available to Vonage for providing E911 service to its customers. Specifically, Vonage indicates in these letters that none of the options being utilized today by the majority of VOIP providers to offer E911 meet Vonage's specific business goals and requests that BellSouth meet with Vonage to discuss other proprietary solutions that better meet these needs. Because Vonage has made its letters part of the record of this proceeding, BellSouth requests that the attached responses to those letters also be incorporated into that record.

Thanks you for your assistance in this matter.

Sincerely,



Glenn T. Reynolds

*Attachment*

Cc: Dan Gonzalez  
John Stanley  
Jessica Rosenworcel

Michelle Carey  
Scott Bergmann  
Thomas Navin

Julie Veach  
Pamela Arluk



# BELLSOUTH

BellSouth Corporation  
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Bill Smith  
Chief Technology Officer

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## VIA OVERNIGHT DELIVERY

April 20, 2005

Mr. Jeffrey Citron  
Chairman  
Vonage Holding Corp  
2147 Route 27  
Edison, NJ, 08817

Dear Mr. Citron,

On Duane Ackerman's behalf, I am writing in response to your letter, dated April 14th, which was received in Mr. Ackerman's office on April 15, 2005, regarding enhanced emergency service capabilities (E-911). I am very concerned by both the tone and accuracy of the statements in your letter. Delays on the part of Vonage since your last letter have forestalled meaningful discussions on these issues. Moreover, it is clear that the VON industry has taken steps to address the issues you raise in your letter – steps that Vonage, for whatever reason, has declined to take. Other VoIP providers have successfully provided 911 and E-911 type services to their customers using alternatives that are available to Vonage as well. Finally, BellSouth reiterates its willingness to discuss with Vonage a solution that would appear similar to that proposed by Qwest in its PS/ALI tariff.

In your letter, you state that you are writing to "again enlist" BellSouth's cooperation in working with Vonage and other VoIP providers on E-911 issues. The tone of your letter implies that BellSouth has been unresponsive to previous requests. The facts, however, provide a much different story.

As you know, Vonage originally sent a letter to BellSouth dated February 18, 2005 (the letter actually was faxed to BellSouth on February 28, 2005) requesting assistance and discussion of E-911 issues. I responded to your letter on March 8, 2005 and offered the assistance of Eric Schwartz, our Assistant Vice President of IP Strategy. Three weeks later, on March 29, Chris Murray, of Vonage's DC Affairs office, contacted Mr. Schwartz to discuss the issue. Mr. Murray stated that Vonage was working with Intrado on a proposed solution. Mr. Schwartz asked Mr. Murray to provide a description of the proposal to BellSouth, and Mr. Murray agreed. Having heard nothing since that call, Mr. Schwartz followed up with Mr. Murray via an email on March 31, 2005. Mr. Schwartz and Mr. Murray saw each other in person on April 4, 2005 and Mr. Schwartz again told Mr. Murray that he had not received the description.

Prior to the date of your letter on April 14, 2005, BellSouth had received no further information from Vonage about its proposal. However, the morning of April 14, 2005 (the date of your letter to Mr. Ackerman copying FCC and state commissioners, congressmen, governor's and other state officials), Mr. Murray sent Mr. Schwartz an e-mail asking if BellSouth had reviewed the documentation provided, which as of that date had not been received by BellSouth. Mr. Schwartz subsequently received the documentation on April 15, 2005 and work is underway to assess your request.

As I indicated in my March 8 letter to you, BellSouth strongly supports and invests heavily in its network to provide for public safety. I agree with you that public safety is paramount in providing quality service. There are several solutions that are, and have been available to meet your concerns and allow Vonage to provide E-911 service to its customers. In fact many VoIP providers have already chosen to provide E-911 safety to their customers, as evidenced by a recent report published by the Voice on the Net ("VON") Coalition. The January 2005 report, which is attached to this letter, states on page 3 that 100% of those providers surveyed had ensured that when 911 is dialed, it gets routed to a designated PSAP. On page 6 of the report, it states that "for fixed users, 60% of the survey respondents who provide VoIP replacement residential phone service indicate they offer 9-1-1 access today with automatic call back number and location information to emergency call centers like traditional fixed wireline service."

Clearly there are methods available to Vonage today, pursuant to existing laws and regulations, which would allow it to provide E-911 service to its customers. As indicated in the VON Coalition paper, other VoIP providers have made the decision to support public safety and are providing that capability to their customers. Your statement that we need not wait for government regulators to solve this problem is true, but the reason it is true is because there are already solutions available to Vonage, should it choose to expend the resources necessary to accomplish them. This is a business decision that Vonage could have made.

In reference to your comments concerning the Qwest solution, it appears that Vonage is availing itself of the PS/ALI portion of the Qwest E-911 tariff. This service allows a customer to purchase access and provide a 911 listing behind PBX or centrex type service. Like Qwest, BellSouth also has a tariffed service providing E-911 capability to PBX customers. A variation of this service might be suitable for your needs. However, we do not know for certain whether this is the case and, as we have expressed several times, BellSouth is interested in meeting to discuss Vonage's needs.

I would again ask that you continue to direct your inquiries and provide the specifics of your request to Eric Schwartz. From the VON Coalition report, it appears that there are steps that Vonage could previously have taken to address many of its concerns. Further, to the extent Vonage seeks an alternate form of non-standard interconnection, you could have implemented one of the approaches utilized by numerous other VoIP providers and pursued your alternate proposal in parallel. Again it appears that Vonage has chosen not to adequately provide for or invest in E-911, in ways that are readily available.

BellSouth again commits to work cooperatively with Vonage to seek a solution to this problem, notwithstanding Vonage's past business decisions.

Finally, I am sure you are aware of the collaborative efforts of the VON Coalition NENA and other industry players (including BellSouth) aimed at establishing a national standards-based solution to these issues. BellSouth is deeply involved in these efforts and also commits to work cooperatively with Vonage and the industry in that forum to arrive at a more permanent solution to these issues.

Sincerely,



William L. Smith  
Chief Technology Officer

cc: Kevin J. Martin, Chairman FCC  
Kathleen Abernathy, FCC Commissioner  
Michael J. Copps, FCC Commissioner  
Jonathan S. Adelstein, FCC Commissioner  
Gregory S. Ballentine, President, APCO International\*  
Charles M. Davidson, Commissioner, Florida Public Service Commission\*  
Honorable Jeb Bush\*  
Stan Wise, Commissioner, Georgia Public Service Commission\*  
Deborah Taylor Tate, Director, Tennessee Regulatory Authority\*  
Troy King, Attorney General Alabama\*  
Honorable Charles "Chip" Pickering, Jr.\*  
Honorable Cliff Stearns\*  
Duane Ackerman, Chairman & CEO, BellSouth Corporation\*

\* Via Regular US Mail



# BELLSOUTH

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Chief Technology Officer

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VIA FACSIMILE (732-287-0396) AND REGULAR U.S. MAIL

March 8, 2005

Mr. Jeffrey Citron  
Chairman  
Vonage Holding Corp  
2147 Route 27  
Edison, NJ 08817

Dear Mr. Citron:

On Duane Ackerman's behalf, I am writing in response to your letter that was faxed to Mr. Ackerman's office on February 28, 2005 regarding enhanced emergency service capabilities ("E9-1-1"). Without question, enabling people to request and receive emergency service is of fundamental importance. BellSouth devotes substantial effort and energy on a continuous basis to ensure that the E9-1-1 infrastructure that we operate is reliable and available to deliver critical information and communication to public safety agencies that literally come to people's rescue in cases of emergency. As vital as our country's E-911 infrastructure is to public safety, BellSouth cooperates closely with public safety agencies and other governmental authorities to protect the security of this infrastructure. Further, BellSouth also invests a great deal of our company's resources to make sure that voice service customers will connect through the E9-1-1 network when an emergency call is made.

Today, a number of voice service providers, including some who use voice over Internet Protocol ("VoIP"), connect to the E9-1-1 infrastructure that BellSouth operates, and successfully offer E9-1-1 calling to their customers as part of their overall service. Pursuant to existing laws and regulations, BellSouth offers these capabilities to all service providers who have requisite government certification. I am not aware of whether Vonage has attempted to avail itself of this capability and opportunity. To the point of your letter, the mobile and portable aspects of VoIP clearly present challenges to existing E9-1-1 infrastructure. Multiple industry efforts are currently underway to assess how the E9-1-1 infrastructure can be improved. The National Emergency Number Association (NENA) and the Network Reliability & Interoperability Council (NRIC) both have important work underway in this area, and BellSouth is an active participant in these activities. As scalable industry solutions are defined and validated, BellSouth expects to work closely with public safety agencies to deploy these new capabilities and further enhance the value and functionality of E9-1-1.

I certainly understand your concern regarding the absence of E9-1-1 capability in your current offer, and the associated risk to your customers. We stand ready to work with you and the broader industry to address these challenges and support efforts to do so in NENA, NRIC, and other appropriate forums.

BellSouth welcomes the opportunity to engage with you in your efforts. Please contact Eric Schwartz, our AVP of IP Product Strategy, at 404-829-8289 and his team will work with you to explore the specifics of what BellSouth can do to support your effort.

Sincerely,



William L. Smith  
Chief Technology Officer

cc: ✓ Michael K. Powell, Chairman, FCC  
✓ Kathleen Abernathy, FCC Commissioner  
✓ Michael J. Copps, FCC Commissioner  
✓ Kevin J. Martin, FCC Commissioner  
✓ Jonathan S. Adelstein, FCC Commissioner  
✓ Gregory S. Ballentine, President, APCO International  
✓ Charles M. Davidson, Commissioner, Florida Public Service Commission  
✓ Honorable Jeb Bush  
✓ Stan Wise, Commissioner, Georgia Public Service Commission  
✓ Deborah Taylor Tate, Director, Tennessee Regulatory Authority  
✓ Troy King, Attorney General, Alabama  
✓ Honorable Charles "Chip" Pickering, Jr.  
✓ Honorable Cliff Stearns